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March 17, 1999

Dockets Management Branch (HFA-305)  
Food and Drug Administration  
Room 1061  
5630 Fishers Lane  
Rockville, MD 20852

Re: TENNECO PACKAGING INC. comments in response to  
REQUEST FOR COMMENTS:  
Premarket Notification for Food Contact Substances  
Docket No. 99N-0235

To Whom It May Concern:

This letter contains the comments of TENNECO PACKAGING INC., 1900 West Field Court, Lake Forest, Illinois, 60045 ("Tenneco") in response to the FDA's recent request for comments on its implementation of the notification process for food contact substances.

Tenneco is a leading, market-driven packaging company, specializing in the communication and promotion, protection and transportation, and food merchandising and storage of products. It has 163 facilities in 18 countries and employs 24,000 people. Annual revenues are approximately \$4.3 billion.

Tenneco is overwhelmingly in support of swift implementation of the notice process. Tenneco believes the addition of the notice process to the Federal Food, Drug and Cosmetic Act, 21 USC § 301 *et seq.*, has the potential to be the most important change in the law for food packaging companies such as Tenneco in many years. Tenneco agrees with FDA's comment that "predictability of the notification process and the proprietary nature of notifications will increase the number of notifications for food contact substances . . ." [64 FR 8578, February 22, 1999]. Unpredictability of review time is currently one of the biggest deterrents to new product innovation in the food packaging industry. Tenneco urges FDA to take all necessary steps to obtain the statutorily requisite funding from Congress as soon as possible in order to implement this process.

In response to FDA's requests for comments on specific topics, Tenneco states as follows:

(1) *Realistic estimates of the number and complexity of notifications that would be submitted under the notification program*

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Our company anticipates it may submit up to ten (10) notices per year once the system is in place.

(2) *The application of the requirements of the National Environmental Policy Act (NEPA) to the notification process*

Tenneco believes the same categorical exclusions regarding environmental impact as apply to food additive petitions and threshold of regulation exemptions should also apply to notices submitted under the new process.

(3) *The confidentiality of third-party information submitted in support of notifications*

Tenneco strongly believes that confidential business information of the submitting company, as well as that of third-parties, should be kept confidential, particularly since effective notices will result in exclusive licenses to submitting companies. Thus, the need for others to use information in the submission to guide their own activities is lessened, and maintaining such confidentiality is an appropriate accompaniment to the exclusivity.

(4) *FDA's proposed requirements and recommendations on the content of notifications*

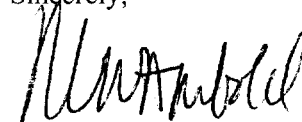
Tenneco believes this issue should be left to FDA's expertise to determine.

(5) *The conditions, if any, under which premarket review of a food additive petition would be necessary to assure the safety of a food contact substance*

Tenneco supports the cumulative intake level of 500 parts per billion as a criterion for determining when a petition is required, as FDA has said it is tentatively considering.

Tenneco looks forward to the swift implementation of this important new process.

Sincerely,



Richard L. Wambold  
Executive Vice President

RLW/blw